Compliance Planning for FY2021

Hosted by the Michigan Indigent Defense Commission Staff March 31, 2020



- Marla McCowan Director of Training, Outreach & Support
 - McCowanM@Michigan.gov or 517-388-6702 direct, cell

- Rebecca Mack Grant Manager any financial questions
 - Mackr2@Michigan.gov

• MIDC OFFICE – 517-657-3066 or <u>LARA-MIDC-Info@Michigan.gov</u>

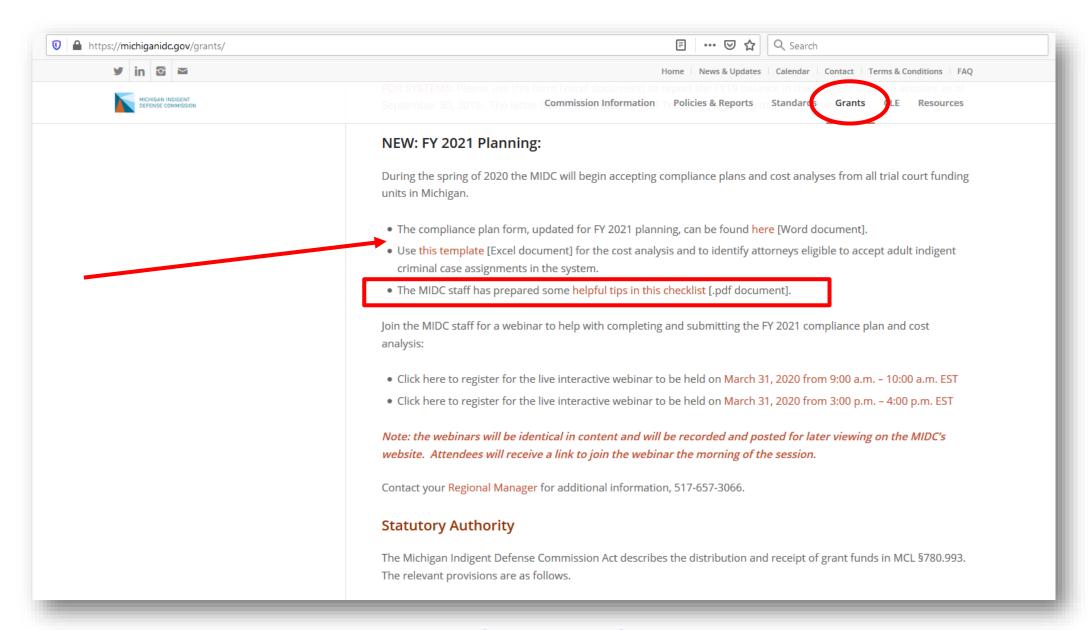
Goals for this webinar.

Who should watch this webinar?

Is there a requirement to submit a compliance plan and cost analysis?

"...each indigent criminal defense system shall submit a plan to the MIDC for the provision of indigent criminal defense services in a manner as determined by the MIDC and shall submit an annual plan for the following state fiscal year on or before October 1 of each year. A plan submitted under this subsection must specifically address how the minimum standards established by the MIDC under this act will be met and must include a cost analysis for meeting those minimum standards..."

How does a funding unit submit a compliance plan and cost analysis?



www.michiganidc.gov/grants

Has the planning form changed from last year?



Compliance Plan for Indigent Defense Standards 1 – 4

Local indigent defense systems have until November 20, 2017, to submit to the Michigan Indigent Defense Commission (MIDC) a plan for compliance with the first four approved minimum standards for indigent criminal defense services. This document includes instructions and a compliance plan structure for the submission and information on how to calculate your request for state funding. All application questions must be answered within the requirements, and all attachments and signatures included for a complete application. Failure to submit a complete application will result in the application being disapproved and returned, per MCL 780.993(4). Applications should be submitted through the MIDC's

The application document includes the following sections: Applicant Information, Compliance Plan Narrative, Cost Analysis, Local Share Calculation, Data Collection, and Grant Calculation. The MIDC website, http://michiganidc.gov, hosts helpful information for compliance planning including additional guidelines, detailed white papers on each of the four standards and several model plans including sample cost analyses for different local indigent defense delivery systems.

Guidelines for the Cost Analysis and Local Share in the Compliance Plan All proposed, estimated, or actual expenditures reported in either the Cost Analysis or the Local Share should be reflective of direct indigent defense system activities. For any funding requests for ancillary agencies, the claimed expense must be reasonably and directly related to the indigent defense function, with a clear justification and compelling rationale. The Local Share calculation – which acts as a baseline for continued funding unit contribution to the indigent defense system – may be reported as an estimate if the actual funding level cannot be calculated. If an estimate is provided for the Local Share, the methodology to calculate the estimate must be reported. All Local Share calculations must be certified by the authorizing official on the application. The following instructions provide general guidance for the Cost Analysis and, specifically, the enhanced costs to meet the provisions of the four standards. The costs, expenditures, and rates proposed are presumed reasonable; variations will be considered on a case-by-case basis.

MIDC FY20 COMPLIANCE PLAN AND COST ANALYSIS RENEWAL

Compliance Planning Costs

	Compliance Planning Costs
	submit to the MIDC an estimate of the cost of detailing time for FY20, if seeming
An indigent criminal defense syst	m may submit to the MIDC an estimate of the cost of developing a plan and cost analysis MCL 780.993(2). Please attach documentation of planning time for FY20, if seeking MCL 780.993(2). Please attach documentation of planning time for FY20, if seeking MCL 780.993(2). Please attach documentation of planning time for FY20, if seeking MCL 780.993(2).
for implementing the plant reimbursement under this provis	n. 2 🗆 Ves l 🗆 No
reimburseria	orksheet for planning costs?

or implementing the plan under this provision. Are you submitting a worksheet for plans are you submitting a worksheet for plans	ning costs? Yes No
Are you submitting a worksheet to p	ning costs? Yes Hoo non-funding unit employees have been paid
If yes, do you have recent	
□ Yes □ No	

Submitter	Information
-----------	-------------

Funding Unit/System Name:	
Submitted By (include name, title, ema	threes and phone number):
and By (include name, title, ema	il address and p
Submitted by (Inc.)	

Please Note: Per MCL 780.983(j), the Local Share for your indigent defense system for FY 2020 will be indexed by 3% or the recent Urban Consumer Price Index (CPI), whichever is less. CPI for the most recent period is 2.2%; FY2020 requests should include Local Share

less. CPI for the most recent production funding enhanced by this factor.	share calculation from FY19?
funding enhanced by this factor. Any change or corrections to your baseline local	
- v 1 \(\sigma \) No	

☐ Yes │ ☐ No If yes, please explain:

Submitter In	
	Submitter Information
Funding Unit(s)/System Name:	
Submitted By (include name, title, email addre	Funding Unit(s)/System Name:
Is this a FINAL SUBMISSION or DRAFT?	<u> </u>
Date:	Submitted By (include name, title, email address and phone number):
Signature:	
Please identify the following points of contac phone number):	Is this a FINAL SUBMISSION or DRAFT?
Authorizing official who will sign the contract:	Date:
Mailing address for authorizing signatory_	Signature:
Primary point of contact for implementation a	Please identify the following points of contact (include name, title, email address and
	phone number):
Financial point of contact:	Authorizing official who will sign the contract:
Please identify any other person in the system	
from MIDC about compliance planning and readdress:	Mailing address for authorizing signatory

Submit all documents via email to <u>LARA-MIDC-Info@</u>
no later than M

MIDC FY21 COMPLIANCE PLAN AND COST ANALYSIS RENEWAL

Delivery System Model

What type of indigent defense delivery system do you have in 2020? (indicate all that apply):

- Public Defender Office (county employees)
- Public Defender Office (non-profit/vendor model)
- · Managed Assigned Counsel System

Name of MAC Attorney Manager and P#:

- Assigned Counsel System
- Contract Defender System
- · Other, please describe:

Are you planning to change the type of indigent defense delivery system uses?

Yes

No

Unsure

If yes, what model do you plan to use in FY21?



DELIVERY SYSTEM REFORM MODELS

PLANNING IMPROVEMENTS IN PUBLIC DEFENSE

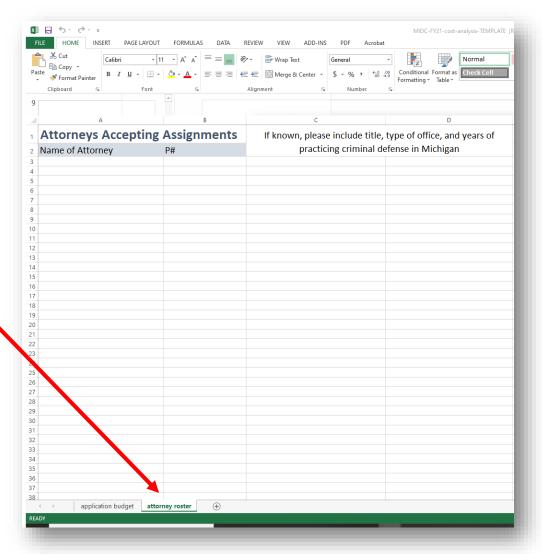
December 2016

MIDC FY21 COMPLIANCE PLAN AND COST ANALYSIS RENEWAL

Standard 1	
Training of Attorneys Number of attorneys as of October 1, 2020	
Please include in the cost analysis a list of all attorneys who accept adult criminal defense case assignments in your system, including conflict counsel and counsel for the counsel and counsel for the counsel and counsel for the counsel as adults.	
Number of attorneys with less than 2 years of Michigan criminal defense experier of October 1, 2020	nce as
Any changes in your training plan from FY20? ☐ Yes ☐ No	
Please describe your plan, including any changes:	
Any changes in your funding needs from FY20 for Standard 1? 🗖 Yes 🗖 No	
f yes, please describe:	
Standard 2	
nitial Client Interviews	
How and when are defense attorneys notified of new assignments?	

rage 5

Submit all documents via email to <u>LARA-MIDC-Info@michigan.gov</u> and copy your Regional Manager



usiness days?	
low are you verifying introductory communications from the at /ho are not in custody?	MIDC FY21 COMPLIANCE PLAN AND COST ANALYSIS RENEWAL
ow are you compensating attorneys for initial interviews? Plea	How many confidential meeting spaces are in the courthouse for <i>in-custody</i> attorney-client meetings?
ow are you compensating attorneys for initial interviews? Pies	Please explain or describe:
ny change in the initial interview procedure from your FY20 plai lease describe your policy:	How many confidential meeting spaces are in the courthouse for <i>out-of-custody</i> attorney-client meetings?
ny change from your FY20 funding needs for initial interviews?	Please explain or describe:
onfidential Meeting Spaces ow many confidential meeting spaces are in the jail?	Any change from the FY20 plan for meeting spaces? ☐ Yes ☐ No
lease explain or describe:	Please explain or describe:
	Any change in FY20 funding needs for meeting spaces? ☐ Yes ☐ No
Submit all documents via email to <u>LARA-MIDC-Info@michigan.gov</u> and copy y no later than May 31, 2020	Please explain or describe:

Standard 3 **Experts and Investigators** Describe your policy for attorneys to request expert witness assistance: Any change in the process from FY20? ☐ Yes | ☐ No If yes, please explain: Submit all documents via email to LARA-MIDC-Info@michigan.gov and copy your no later than May 31, 2020 MIDC FY21 COMPLIANCE PLAN AND COST ANALYSIS RENE Describe your policy for attorneys to request investigative assistance Any change in the process from FY20? ☐ Yes | ☐ No If yes, please explain: How are you tracking requests for experts and investigators by assign If yes, please explain:

0 - 499 cases/year = Tier I - \$10,000

500 - 999 cases/year = Tier II - \$25,000

1,000 - 9,999 cases/year = Tier III - \$50,000

<u>Standard 3</u> - Expenses for investigators will be considered at hourly rates not to exceed \$75. Expenses for expert witnesses will follow a tiered level of compensation based on education level and type of expert,* not to exceed these amounts:

High School or Equivalent Associate's Degree	\$30/hr \$50/hr
Bachelor's Degree	\$70/hr
Master's Degree	\$85/hr
Crime Scene and Related Experts	\$100/hr
CPA/Financial Expert	\$100/hr
Pharmacy/PharmD	\$125/hr
Information Technology Experts	\$150/hr
Ph.D./Licensed Doctor	\$200/hr

Stand

Counsel at First Appearance and Other

How are you providing counsel at first appea Court? And in the Circuit Court (if applicable

How are you providing counsel at all other cr

How are you calculating compensation for St

MIDC FY21 COMPLIANCE PLAN AND COST ANALYSIS RENEWAL

Do you have a prison in your County? How is counsel provided to people charged with crimes while incarcerated in the prison? Do you seek reimbursement for the cost of counsel from the Michigan Department of Corrections?

Are there any misdemeanor cases where your court accepts pleas without the defendant appearing before a magistrate or a judge? For example, pleas by mail, over the counter pleas, etc. Yes No	
Please describe how counsel is offered under these circumstances:	
Will there be any change from FY20 in this process? ☐ Yes ☐ No	
If yes, please explain:	
Any change from FY20 in how you are paying attorneys for Standard 4?	
If yes, please explain:	
Will there be any change from FY20 in your funding needs for this standard? ☐ Yes ☐ No	
If yes, please explain:	

MIDC FY21 COMPLIANCE PLAN AND COST ANALYSIS RENEWAL

Personnel In the cost analysis please provide detail about a unit. This should include DIRECT SERVICE PROVIL Supplies & Other Chief, Assistant Defenders, and staff of the defer well as ANCILLARY STAFF (court clerks, sheriff en Please list any supplies or equipment requested, and provide a brief explanation of need For existing ANCILLARY STAFF are there any pers or use in FY21. reduced, or increased from FY20? ☐ Yes | ☐ No If yes, please explain in cost analysis. Supplies: Any additional ANCILLARY STAFF positions/hours Equipment: If yes, please explain in cost analysis. Case-related travel expenses (please include the system's policy for reimbursement): Any change from FY20 in fringe benefits? Tyes If yes, please explain in the cost analysis. This ca increases, increased premiums, etc.

MIDC FY21 COMPLIANCE PLAN AND COST ANALYSIS RENEWAL

Reimbursement Costs for Creating Plan

Attachments Submitted

✓ Have you attached your FY21 cost analysis? ☐ Yes ☐ No

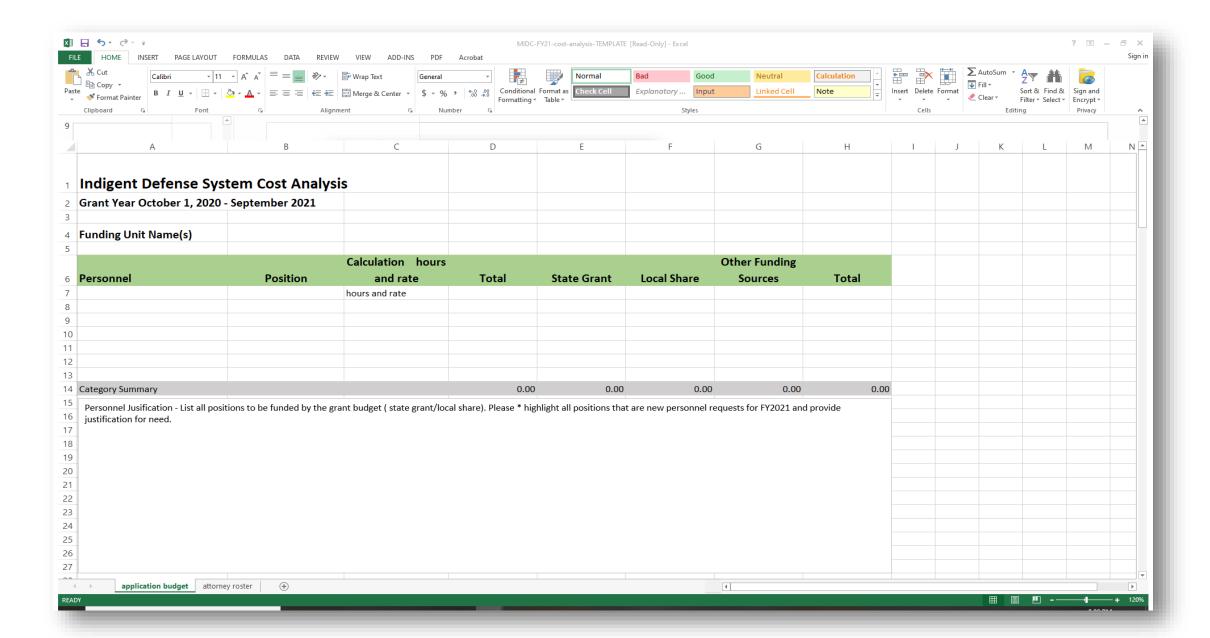
What is the amount you are seeking in reimbursement? \$_

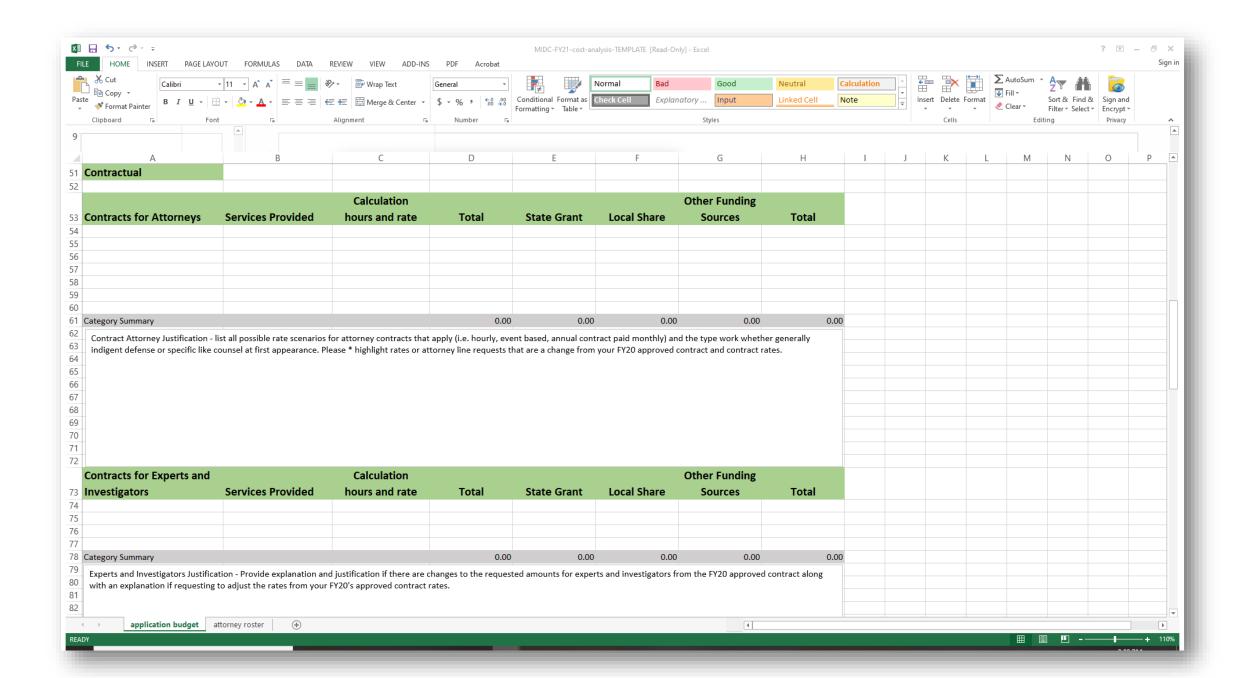
- ✓ Did you include a list of the attorneys providing services with the cost analysis template? ☐ Yes | ☐ No
- ✓ If applicable, did you attach documentation supporting reimbursement for compliance planning? □ Yes | □ No

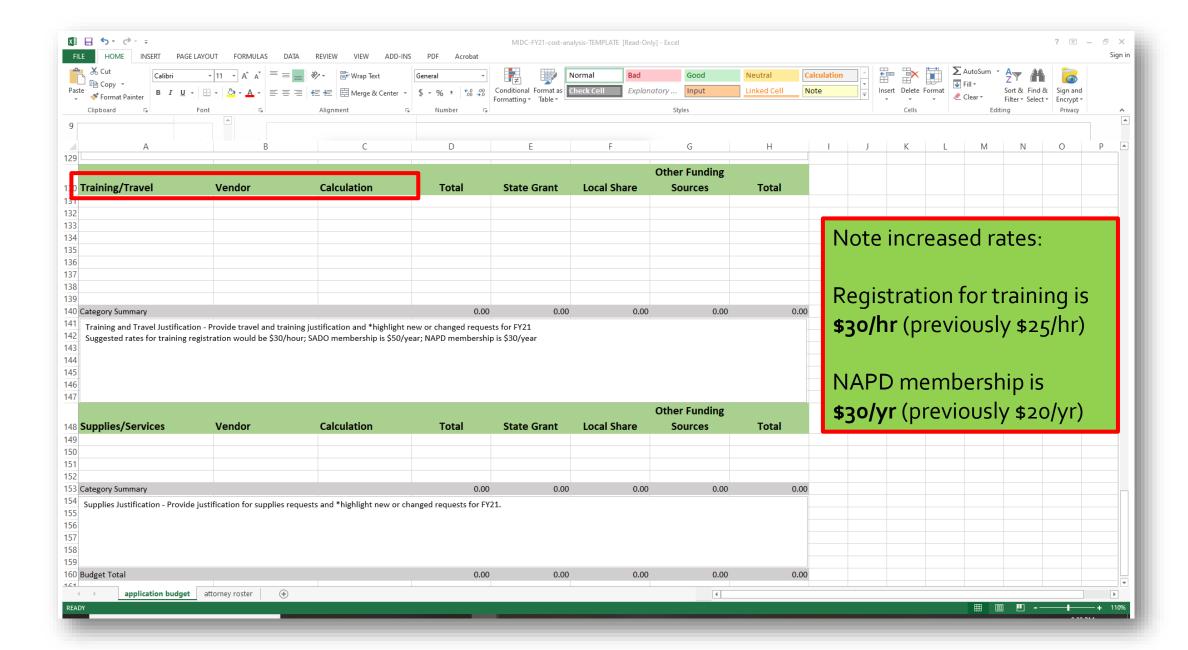
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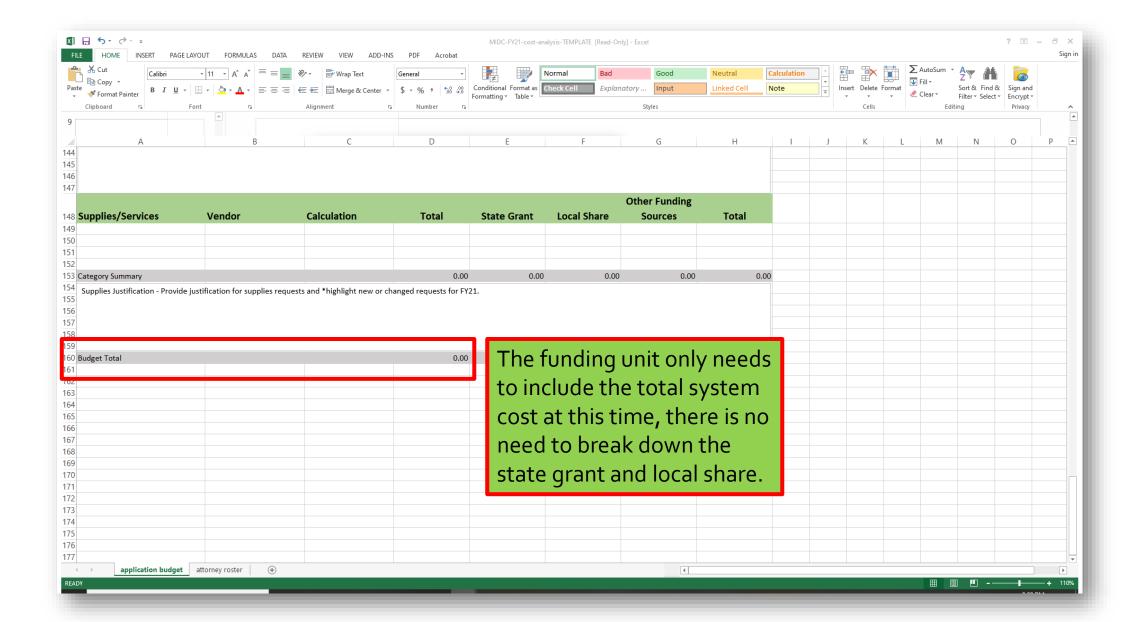
Submit all documents via email to <u>LARA-MIDC-Info@michigan.gov</u> and copy your Regional Manager no. later than May 31, 2020

Has the cost analysis form changed from last year?









Tips from MIDC staff – available on the MIDC's website!





COMPLIANCE PLANNING FY2021

TOP TIPS FOR
COMPLETING THE
COMPLIANCE PLAN
AND
COST ANALYSIS
FROM
MIDC STAFF

CONTACT A REGIONAL MANAGER 517-657-3066

Do:

- Meet with your Regional Manager and other stakeholders to assess the needs of the local system.
- Check the MIDC's website, (the "Grants" tab) for forms and instructions.
- Use the MIDC's forms for the compliance plan, cost analysis, and attorney roster.
- Type the information in the format provided (.pdf or Excel spreadsheets), handwritten documents may be rejected by staff.
- Attach mileage and travel rates
- Save and submit the documents in the original format(s) as separate documents (.pdf or Excel) rather than printing and/or scanning for submission (this saves time if we need to make corrections like fixing typos or math errors).

Don't:

- "Round up" in your math actual dollar amounts are necessary to evaluate the requests in the compliance plans.
- Leave out details about your plan. Documents are reviewed by many staff members and the full Commission. Some people may not be as familiar with what your system is trying to accomplish.

Submit the plan and cost analysis via email:

LARA-MIDC-Info@Michigan.gov

Deadline: May 31, 2020

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